

Hon. Judge Benjamin H. Settle

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

MALONI SEYFARTH; and all others
similarly situated.

Plaintiff,

vs.

REESE LAW GROUP, P.L.C.; FORD
MOTOR CREDIT COMPANY, LLC;
HARLAN M. REESE and JANE DOE
REESE, husband and wife,

Defendants.

Case No. C09-5727-BHS

ORDER OF PRELIMINARY APPROVAL
OF CLASS SETTLEMENT:

1. Appointment of Class Administrator;
2. Appointment of Class Counsel;
3. Approval of Class Notice; and
4. Approval of Mailing of Class Notice

The Court, having reviewed the Proposed Settlement Agreement of the parties, the Motion and Memorandum for Preliminary Approval of Class Settlement, the Declaration of Michael D. Kinkley, the Declaration of Plaintiff Maloni Seyfarth, and the files and records herein, hereby orders:

1. The Class Members included in this settlement may be joined and this action maintained as a class action on behalf of the class described as:

All persons in the State of Washington;

- a) Against whom a writ of garnishment was served by Reese Law Group, P.L.C. and/or Harlan Reese (“Reese Defendants”);
- b) Based on a judgment in favor of Ford Motor Credit Company (“FMCC”);
- c) Between November 24, 2008 and the present.

The alleged violations of Washington law and federal law will be remedied by entry of a partial satisfaction of the judgment amount or a full satisfaction and refund to class members who paid an amount greater than the recalculated judgment. The recalculated judgment will consist of the principal judgment amount together with interest through the date of settlement of this lawsuit.

For the purpose of completing the settlement, class administration and distribution there will be two sub-classes.

- 1) The “Refund” sub-class will consist of Class Members who paid an amount of money toward the satisfaction or partial satisfaction of any judgment or claim made against the debtor in an amount greater than the amount of the recalculated judgment (principal judgment together with interest). Attachment Exhibit A is an exemplar of the pleadings the parties will file to close the case of the Class Members.
- 2) The “Satisfaction” sub-class will consist of Class Members who did not pay any amount of money toward the satisfaction or partial satisfaction of any judgment or claim or who paid an amount of money toward the satisfaction or partial satisfaction of any judgment or claim made against the debtor in an amount less than the amount of the recalculated judgment (principal judgment together with interest). Attachment Exhibit B is an exemplar of the pleadings the parties will file to accomplish the partial satisfaction of any judgment.

1 No recalculation, satisfaction or refund will be made for Class Members whose judgment,
2 on which the garnishment was based:

- 3 a) Has been fully satisfied based on a settlement agreement with either Defendant;
4 b) Has been fully satisfied based on a forgiveness of indebtedness by either Defendant;
5 c) Has been discharged in bankruptcy; or
6 d) Has expired pursuant to RCW 4.56.210 and not renewed pursuant to RCW 6.17.020.

7 For the purpose of identifying class members and the recovery due to each there will be
8 two sub-classes as indicated above. For the purpose of completing the settlement, class
9 administration and distribution there will be two sub classes as indicated above.

10 2. The Class Settlement Agreement is fair as to all members of the Settlement Class.

11 3. The benefits for the Class pursuant to the Settlement Agreement are appropriate.

12 4. The Class Settlement Agreement is approved.

13 5. The Plaintiff and each of the class members release all claims set forth in the
14 Complaint and any claims which could have been made against Defendants and/or
15 their past and present parents, affiliates, subsidiaries, successors, assignees, insurers
16 or attorneys, and/or their present and former directors, officers, employees or agents,
17 for the accounts included in the class definition.

18 6. Michael D. Kinkley, of Michael D. Kinkley, P.S. is appointed class counsel.

19 7. The Court finds that Maloni Seyfarth will fairly and adequately represent the interest
20 of the class members and she is appointed class representative.

21 8. The Court finds that mailing of the Class Notice, attached to the Joint Memorandum,
22 satisfies the requirements of due process and FRCP 23.

1 9. The Court approves notice to the class members by mailing by United States Postal
2 Service first class mail and finds that such notice satisfies due process and is the best
3 practicable notice under the circumstances.

4 10. The Court find that this is a “successful action” as defined by 15 USC 1692k(a)(3).

5 11. The Court approves the award of reasonable attorney fees and costs pursuant to the 15
6 USC § 1692k(a)(3) in the amount of Twenty-Six Thousand (\$26,000.00) in costs and
7 Attorney fees to Michael D. Kinkley P.S. These amounts include fees and costs
8 incurred in the federal action through the date of the preparation of this settlement
9 agreement and will be paid by the Reese Defendants. In addition, the Reese
10 Defendants shall pay to Michael D. Kinkley an additional sum in the amount of Ten
11 Thousand Dollars (\$10,000.00) which is agreed shall cover all subsequent legal fees,
12 and costs (not including class notice and administration costs to be paid to the class
13 administrator) from the date of preparation through final approval of the class
14 settlement. The Reese Defendants agree to pay the \$36,000.00 attorney fee as the
15 total attorney fee for all phases of this case, in addition to the other benefits to the
16 class.
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18 12. The Reese Defendants will pay costs associated with Class Administration and Class
19 Notice as identified in the Class Settlement Agreement, directly to the class
20 administrator, First Class, Inc. of Chicago, Illinois within twenty-eight (28) days of
21 preliminary approval of the class settlement. The class administrator will verify
22 addresses on the class list, mail the proper notice to the class member, record and
23 report all returned mail, objections, interventions, and/or opt outs, prepare a list for
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1 mailing of checks, mail checks, record and report all returned checks, and all other
2 duties associated with proper class administration.

3 13. Within twenty-eight (28) days of the Court's preliminary approval of the Settlement,
4 the Reese Defendants will provide to the class counsel and to counsel for FMCC all
5 lists of class members - including but not limited to refund list and satisfaction list -
6 containing the names, case number and court, most current addresses and amount of
7 the satisfaction or refund in a standard database format acceptable to First Class Inc.

8 14. Within twenty-eight (28) days of the Court's preliminary approval of the Settlement,
9 the Reese Defendants will pay First Class Inc. the actual costs of class administration
10 including the costs of any necessary additional procedures required by the Court.

11 15. Notice will be mailed within twenty-one (21) days of the receipt of the class list by
12 the Class Administrator.

13 16. The proposed class members shall opt out on or before 11/21/2013. Motions to
14 intervene shall be filed on or before 11/21/2013. Objection to the proposed settlement
15 shall be filed with the Clerk on or before 11/21/2013. The Final Fairness Hearing will
16 be conducted before the Hon. Judge Benjamin Settle, in his courtroom, on 12/9/2013.

17 18 17. Pursuant to the agreement of the parties the court will retain jurisdiction in this matter
19 to enforce the terms of the settlement.
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1 IT IS SO ORDERED

2 Dated this 3rd day of September, 2013

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5 BENJAMIN H. SETTLE
6 United States District Judge

7 Presented by:

8 *Michael D. Kinkley P.S.*

9 *Mills Meyers Swartling*

10 s/Michael D. Kinkley
11 Michael D. Kinkley
12 WSBA # 11624
13 Attorney for Plaintiff

s/Stephanie Denton
Stephanie Denton
WSBA # 21920
Attorney for Ford Motor Credit
Company LLC

14 *Preg O'Donnell & Gillet, PLLC*

15 s/Earl Sutherland
16 Earl Sutherland
17 WSBA # 23928
18 Attorney for Reese Defendants